



DEPARTMENT OF THE NAVY
NAVAL POSTGRADUATE SCHOOL
1 UNIVERSITY CIR
MONTEREY, CA 93943-5000

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Ser 00C/071
September 20, 2022

Mr. Matthew Rocheleau
4610 Center Blvd. Apt. 2421
Long Island City
New York, 11109
matt.rocheleau@hearstmediact.com

Subj: YOUR FOIA REQUEST (DON-NAVY-2022-011096)

Dear Mr. Rocheleau:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request submitted July 29, 2022 online, and received by this office on September 19, 2022. Your request was assigned tracking number DON-NAVY-2022-011096. Please use this tracking number in any future correspondence concerning this request.

In your DON-NAVY 2022-011096 expedited request, you are seeking “(1) any/all emails between employees of the Naval Postgraduate School (NPS) and employees of Creek Technologies, Inc. between May 24, 2022 and July 31, 2022. (2) any/all emails between employees of the Center for Homeland Defense and Security (CHDS) and employees of Creek Technologies, Inc. between May 24, 2022 and July 31, 2022. (3) any/all contracts/agreements that the United States Navy (USN), NPS, and/or CHDS have entered into with Creek Technologies, Inc. (4) any/all contracts/agreements that Creek Technologies, Inc. has entered into with subcontractors.”

With regard to item (1) of your request, we will search for all emails between the NPS Acquisition Department employees, CHDS employees, and Creek Technologies, Inc. within the time parameter you specified. However, it is unduly burdensome to search for any/all emails between **all** NPS employees and Creek Technologies, Inc. If you have specific NPS personnel in mind whom you believe have emailed Creek Technologies, please let us know and we will conduct a search for the emails between the specific personnel you specify and Creek Technologies, Inc.

With regard to item (3) of your request, we can search for any/all contracts/agreements that NPS and/or the CHDS have entered into with Creek Technologies, Inc. but due to the possible volume of material, you need to specify the time parameters in which you are interested. Should you not specify any specific time parameters, we will conduct the search from 2016 to present. Please note, however, that NPS cannot provide you with any/all contracts entered between the **USN** and Creek Technologies, Inc. You would need to submit specific FOIA requests to whatever other Naval commands/units that you suspect have contracts with Creek Technologies, Inc.

Similarly, with regard to item (4) of your request, you would need to submit specific FOIA requests to the appropriate government agencies involving the specific subcontractors you believe have

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entered into agreements with Creek Technologies, Inc. It is impossible for NPS to identify all the subcontractors that might have entered into agreements with Creek Technologies, Inc.

You also requested a waiver of all fees for this request. Presumably, although you did not indicate so, you based this on the fact that you are “a member of [the] news media and [are] not using [the] document requested for personal commercial purposes”. Under limited circumstances, one may qualify for a fee waiver if, in addition to not using the requested record(s) primarily for his own commercial purposes, the subject of the requested records concerns “the operations and activities of the government” and that disclosure of the requested records would contribute significantly to “public understanding” of those operations and activities.

You did not explain how the requested records would contribute significantly to the public understanding of the operations and activities of the government. Therefore, if we determine that you do not qualify for a fee waiver, we would need to know how much in fees you would be willing to pay. Fees are determined by who performs the search for your information (clerical, professional, or executive) and who performs the review/excising of the material (clerical, professional, or executive). The hourly rate for research and review is \$24.00/hour for a clerk and \$48.00/hour for a professional. Most administrative staff at NPS fall into the professional category. Duplication fees of \$0.15 per page can be greatly reduced if you are willing to accept electronic/digital copies of any releasable records. Please let us know how much you are willing to pay in fees if you do not qualify for a fee waiver.

Please note that your FOIA request is not “perfected” until a decision is made either on the expedition of fees or on the issue of your willingness to pay fees up to a determined limit.

The Naval Postgraduate School (NPS) is currently in the process of identifying the records that are responsive to your request. Because of the voluminous nature of your request, it is estimated to take over a month (through the end of October) to search and compile the information you requested, subject to the limitations identified in paragraphs 3, 4, and 5 of this letter. Obviously, this will greatly affect the amount you will incur in search, review, and duplication (if applicable) fees.

I am the official responsible for this response to your request. If you have any questions, please contact my paralegal, Ms. Elaine MacDonald, at elaine.macdonald@nps.edu or (831) 656-3610.

Sincerely,

S. W. THOMAS
CDR, JAGC, USN